

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6690

BILL NUMBER: SB 367

DATE PREPARED: Dec 18, 2001

BILL AMENDED:

SUBJECT: Sex Offender Registry.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires that the Sex and Violent Offender Registry publish the address and a recent photograph of a sex offender. The bill also provides that a local law enforcement agency with an Internet site must include a link to a photograph of any sex offender in the agency's jurisdiction. It requires a local law enforcement agency to ask local periodicals and television stations to publish or broadcast pictures of local sex offenders. The bill prohibits a sex offender on probation or parole from residing within one mile of the victim's home and provides that the victim's address is confidential.

Effective Date: July 1, 2002.

Explanation of State Expenditures: *Sex Offender Registry* -The Criminal Justice Institute would experience an increase in expenses due to this provision of the bill.

Currently, the Institute publishes the name and offense of the offender, as well as other related items. Under the bill, the Institute would be required to publish on its registry: 1) a recent photograph of the offender; or 2) the home address of the offender. In order to provide a photograph and the home address of the offender to Access Indiana for Internet posting, the Institute would be required to enhance its existing database in which it stores sex offender information. The specific cost of this is currently indeterminable and could possibly require the help of outside contractors. According to the provisions of this bill, local law enforcement agencies would also be required to post photographs on their Internet sites. Scanning photographs into a computer would not be required if they are received from local law enforcement agencies electronically. However, according to the Institute, scanning regular photographs could limit their quality when posted on the site. The Institute would also incur additional costs in printing paper copies of the registry, as required by current law, with photographs included.

The Institute reports that, currently, there are approximately 12,000 entries on the Registry. However, photographs would not be required for all of the current registrants. Only those entries on the registry who

are new registrations or those who move and must re-register will require photographs on the Internet site. From 1997 to 2001, an annual average of 442 adult offenders convicted of a sex offense were released from Department of Correction facilities. As of November 2001, approximately 530 sex offenders have an estimated release date on or before December 31, 2002.

Residency Near Victim- Additionally, the bill prohibits a sex offender on parole from residing within one mile of the victim's home. The Department of Corrections may experience an increase in cost for monitoring sex offenders on parole for not residing within one mile of the victim of the offense. Over the last five years, between 47 and 281 sex offenders have been released each year. The number of offenders released over the past five years is provided in the table below (see Explanation of Local Expenditures).

Explanation of State Revenues:

Explanation of Local Expenditures: *Local Registration* - Local law enforcement agencies would experience an increase in administrative expenses due to this provision of the bill.

Under current Indiana law, local law enforcement agencies are required to report sex offender registrations to the Institute for dissemination to the public via Access Indiana. (In addition, the Institute makes available paper copies of the registry to the following entities: 1) school corporations; 2) nonpublic schools; 3) various state agencies; and 4) certain child care facilities.)

Local law enforcement agencies would be required to publish a photograph of an offender on an Internet site that is maintained by or for the local law enforcement agency. In addition, local law enforcement agencies would be required to notify local media and request that a photograph of the offender be published in a local periodical and broadcast on a local television station. (Local law enforcement officials would also be required to accept recent photographs of offenders to process and deliver to the Institute.)

The specific effects of this portion of the bill would vary between local law enforcement agencies and would be determined by the level of additional technology needed for making photographs available on an Internet site.

Residency Near Victim - This bill provides that sex offenders on probation not be able to live within one mile of the victim's home. The sentencing court and its probation officers would likely monitor the released offenders for violations of this condition. Over the past four years, the number of offenders who have been released from the Department of Correction facilities and assigned to probation or parole has ranged from 273 to 516 each year. Depending on the sex crime and the community in which an offender is placed, a sex offender may spend between two and five years on probation.

The number of adult sex offenders who have been released and placed on probation or parole over the past four years are shown in the table below.

Number of Adult Sex Offenders Released From Department of Correction Facilities
and Assigned to Probation or Parole

	1997	1998	1999	2000	2001
Probation	226	274	248	270	235
Parole	47	146	240	244	281
Total	273	420	488	514	516
Source: Indiana Department of Corrections.					
Note: No offenders who were released under Sexual Misconduct with a Minor (IC 3542-4-9) were convicted of an A or B Felony.					

This table includes persons who were sentenced for the following crimes: rape, criminal deviate conduct, child molestation, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, incest, and sexual misconduct with a minor.

The bill also provides that the victim's address is confidential. There is no fiscal impact in meeting this provision of the bill.

Explanation of Local Revenues:

State Agencies Affected: Criminal Justice Institute.

Local Agencies Affected: Law enforcement agencies, trial courts, and probation offices.

Information Sources: Catherine O'Connor, Criminal Justice Institute, (317) 232-1295; Department of Corrections.